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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,617	03/15/2004	Koji Tsukimori	SON-2967	8418
23353 7590 12/20/2007 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			EXAMINER ZAMAN, FAISAL M	
			ART UNIT 2111	PAPER NUMBER
			MAIL DATE 12/20/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/799,617

Applicant(s)

TSUKIMORI ET AL.

Examiner

Faisal Zaman

Art Unit

2111

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

#### ***Claim Objections***

1. Claim 35 is objected to because of the following informalities: in line 1, replace "device drive" with --device driver--. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 32-36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In Applicant's Specification, Page 18, lines 1-6, Applicant describes a "computer readable medium" as being able to take the form of "wireless communication media". The examiner suggests Applicant to specify in the claims a tangible item, such as a "computer readable *storage* medium".

Appropriate corrections are therefore required.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 9-36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cedola (U.S. Patent No. 6,675,215) and Applicant's Admitted Prior Art (hereinafter, "AAPA").

**Regarding Claims 9, 16, 20, 23, and 32**, Cedola teaches an editing system (Cedola, Figure 1, item 20) comprising:

A computer (Cedola, Figure 1, item 24) having a computer interface unit (Cedola, Figure 1, item 76), said computer interface unit being adapted to transmit an acquisition command (Cedola, Column 3, lines 40-45, client computing device 24 sends the text string "CLIENT" to the host computer 22 in order to determine which baud rate to communicate at ) and to receive a timing notice signal (Cedola, Column 4 lines 50-61, the reception of the timing notice signal [ie. the text string "SERVERCLIENT"] from the host computer 22 indicates that the correct baud rate has been selected); and

A timing notice apparatus (Cedola, Figure 1, item 22) having a controller and a timing generation unit, said controller being adapted to receive said acquisition command and to transmit said timing notice signal (Cedola, Figure 1, item 64, Column 3 line 59 – Column 4 line 1),

Wherein said timing notice apparatus transmits said timing notice signal upon receipt of said acquisition command, said timing notice signal being transmitted according to a predetermined timing of image data (Cedola, Figure 1, item 62, Column 3 line 59 – Column 4 line 3, and Column 4 lines 55-61).

Cedola does not expressly teach said timing generation unit being adapted to extract frame synchronization information from a reference signal, and

Wherein said frame synchronization information extracted from said reference signal is said timing notice signal.

In the same field of endeavor (e.g. detecting frame frequency rates for communicating with peripheral devices over a serial connection), AAPA teaches a timing generation unit being adapted to extract frame synchronization information from a reference signal, and wherein said frame synchronization information extracted from said reference signal is a timing notice signal (AAPA, Page 1, lines 5-13 under Description of Related Art).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined AAPA's teachings of detecting frame frequency rates for communicating with peripheral devices over a serial connection with the teachings of Cedola, for the purpose of easily configuring an apparatus that performs processing in synchronization with the frame timing (see AAPA, Page 2, lines 18-20 under Description of Related Art). Cedola also provides motivation to combine by stating it is an object of the invention to be provide a connection capability for devices with different frame frequencies (ie. baud rates) (see Cedola, Column 2, lines 3-12).

**Regarding Claims 10, 19, 28, and 34**, Cedola teaches wherein said computer waits to receive said timing notice signal (Cedola, Column 3, lines 40-45 and Column 4, lines 23-24).

**Regarding Claims 11, 17, 21, and 29**, Cedola teaches wherein said acquisition command is transmitted over a universal serial bus (Cedola, Figure 1, item 26, Column 3, lines 6-9; i.e., it would be obvious to one of ordinary skill in the art to use a USB cable for serial cable 26 for the purpose of increased data transmission speeds).

**Regarding Claims 12, 18, 22, and 30**, Cedola teaches wherein said timing notice signal is transmitted over a universal serial bus (Cedola, Figure 1, item 26, Column 3, lines 6-9; i.e., it would be obvious to one of ordinary skill in the art to use a USB cable for serial cable 26 for the purpose of increased data transmission speeds).

**Regarding Claim 13**, Cedola teaches wherein said timing notice apparatus receives operating power from said computer over a universal serial bus (Cedola, Figure 1, item 26, Column 3, lines 6-9; i.e., power can be provided over the USB cable using the  $V_{BUS}$  and GND lines).

**Regarding Claims 14 and 25-27**, AAPA teaches wherein said predetermined timing is from the group consisting of frame timing and field timing (AAPA, Page 1, lines 5-13 under Description of Related Art).

The motivation that was used in the combination of Claim 1, super, applies equally as well to Claims 14, 25-27.

**Regarding Claims 15, 31, and 33**, Cedola teaches wherein said computer interface unit transmits said acquisition command in response to a command received through an operation unit (Cedola, Column 3, lines 40-45).

**Regarding Claims 24, 35, and 36**, Cedola teaches re-transmitting said acquisition command from said editing apparatus to said timing notice apparatus, said editing apparatus re-transmitting said acquisition command upon receipt of said timing notice signal (Cedola, Column 5, lines 21-41; i.e., it would be obvious to one of ordinary skill in the art to increase the baud rate for each time a CLIENT message is received, and retransmit the SERVERCLIENT message to the device 24 for the purpose of having the fastest possible baud rate).

### ***Response to Arguments***

5. Applicant's arguments filed 11/27/2007 have been fully considered but they are not persuasive.

Regarding Claim 9, Applicant argues that "Cedola and the Description of the Related Art, either individually or as a whole, fail to disclose, teach or suggest an editing system wherein said frame synchronization information extracted from said reference signal is said timing notice signal, and wherein said timing notice apparatus transmits said timing notice signal upon receipt of said acquisition command, said timing notice signal being transmitted according to a predetermined timing of image data." The Examiner disagrees. Contrary to Applicant's argument, the Description of the Related

Art (i.e., "AAPA") teaches the claimed limitation of "wherein said frame synchronization information extracted from said reference signal is said timing notice signal", see Page 1, lines 5-13 under Description of Related Art ("...a personal computer is provided with a reference signal in which frame synchronization information is sequentially stored under timing indicative of temporal beginning of a temporally consecutive frame corresponding to a frame frequency of image data to be edited [i.e., said timing notice signal]..."). Further, Cedola teaches the claimed limitation of "said timing notice signal being transmitted according to a predetermined timing of image data", see Column 3 line 59 – Column 4 line 3 and also Column 4, lines 55-61 (i.e., wherein the "predetermined timing of image data" is the newly selected baud rate).

Applicant makes similar arguments with respect to Claims 16, 20, 23, and 32, and therefore the above response applies equally as well to those claims.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faisal Zaman whose telephone number is 571-272-6495. The examiner can normally be reached on Monday thru Friday, 8 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on 571-272-3632. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FMZ

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